



The Grace Building
1114 Avenue of the Americas
New York, NY 10036-7703
t 212 775 8700 f 212 775 8800

August 31, 2016

direct dial 212 775 8736
direct fax 646 224 8835
oharris@kilpatricktownsend.com

VIA ECF

Hon. Gregory H. Woods
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2260
New York, New York 10007

MEMORANDUM ENDORSED

Re: *Lopez v. Ooshirts, Inc., et al.*, 16-cv-5426 (GHW) (S.D.N.Y.)

Dear Judge Woods:

Our firm represents defendant Tumblr, Inc. ("Tumblr") in the above-captioned action, and submit this letter motion to adjourn the initial pretrial conference currently scheduled for September 6, 2016 at 3:00 p.m.

On or about July 14, 2016, Plaintiff provided Tumblr with a courtesy copy of the amended complaint filed on or about July 11, 2016, in this action. On or about August 17, 2016, Plaintiff provided Tumblr with a courtesy copy of the Court's Notice of Initial Pretrial Conference.

As Tumblr has neither been served with the amended complaint nor waived service, and in light of the upcoming Labor Day holiday (and Tumblr's trial counsel's previously scheduled trip out of state), Tumblr respectfully requests an adjournment of the initial pretrial conference currently scheduled for September 6, 2016 at 3:00 p.m. until a date and time convenient for the Court after service has been effectuated.

This represents Tumblr's first request for an adjournment. Plaintiff has responded to Tumblr's requests that he consent to the adjournment.

August 31, 2016
Page 2

This letter motion is respectfully submitted without prejudice to Tumblr's rights and remedies, including its right to object to the amended complaint on jurisdictional or other grounds, all of which are expressly reserved, and does not constitute an appearance in this action.

Respectfully submitted,




Olivia Harris

cc: Robert G. Lopez (via email)

Application granted. The initial pretrial conference scheduled for September 6, 2016 is adjourned to October 6, 2016 at 10:00 a.m. Counsel for Tumblr is directed to serve a copy of this order on plaintiff, and plaintiff is directed to serve a copy of this order on any defendant who has not yet appeared in this matter.

SO ORDERED.

Dated: September 1, 2016
New York, New York



GREGORY H. WOODS
United States District Judge